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HAWAII
INDUSTRIAL RELATIONS BOARD

Attorneys for Director, Department
of Labor and Industrial Relations

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSAB 2002-12
)	(OSHCO No. D8437)
DIRECTOR, DEPARTMENT OF LABOR)	(Inspection No. 304215288)
AND INDUSTRIAL RELATIONS,)	
)	STIPULATION AND SETTLEMENT
Complainant,)	AGREEMENT; EXHIBIT "A";
)	APPROVAL AND ORDER
vs.)	
)	
HOME DEPOT, INC.,)	
)	
Respondent.)	
)	

STIPULATION AND SETTLEMENT AGREEMENT

Complainant Director, Department of Labor and
Industrial Relations ("Director"), and Respondent Home Depot,
Inc. ("Respondent") having reached a full and complete

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settlement of the above-captioned contested case presently pending before the Hawaii Labor Relations Board ("Board") stipulate and agree as follows:

On or about January 2, 2002, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at 421 Alakawa Street, Honolulu, Hawaii 96817.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty ("Citation") to Respondent on January 17, 2002, alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$1,500.00. See Exhibit "A".

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to section 396-11, Hawaii Revised Statutes ("HRS").

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2. At all relevant times, Respondent maintained a workplace at 421 Alakawa Street, Honolulu, Hawaii 96817.

3. At all relevant times, Respondent was an employer, as defined in HRS § 396-3, and employed employees, as defined in HRS § 396-3, and was therefore subject to the requirements of HRS chapter 396, the Hawaii Occupational Safety and Health Law.

4. Respondent agrees that it has or will abate each violation listed in the Citation issued on January 17, 2002 in compliance with the abatement requirements under Hawaii Administrative Rule ("HAR") § 12-51-22. As to Citation 1, Item 1 the parties agree that abatement shall be in the form of a job hazard analysis in a collaboration between HIOSH and Respondent.

5. The Citation issued on January 17, 2002, regarding violation of standards 29 CFR 1910.136(a) [Refer to chapter 12-64.1, Hawaii Administrative Rules ("HAR")], 29 CFR 1910.304(e)(1)(iv) [Refer to chapter 12-89.1, HAR], 29 CFR 1910.305(g)(1)(iii)(A) [Refer to chapter 12-89.1, HAR], and their corresponding characterizations, is affirmed. See Exhibit "A".

6. Respondent shall pay in full its aggregate

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penalty of \$1,500.00 to the Director of Budget and Finance upon execution of this Agreement.

7. Except for the stipulated amendments described above, the Citation issued on January 17, 2002 is confirmed in all other respects, and upon approval by the Board, this Agreement and the Citation, as amended, shall become a final order of the Director.

8. By entering into this Agreement, Respondent does not admit that it violated the cited standards for any litigation or purpose other than these proceedings under the Hawaii Occupational Safety and Health Law.

9. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

10. Respondent shall continue to comply with HRS chapter 396, the Hawaii Occupational Safety and Health Law, and the related rules.

11. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by

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Respondent which may be alleged to violate HRS chapter 396, the Hawaii Occupational Safety and Health Law, or the related rules.

DATED: Honolulu, Hawaii, April 22, 2003.

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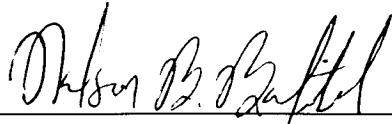
HOME DEPOT, INC.



David A. Rutherford
By: DAVID A. RUTHERFORD
Its VICE PRESIDENT - LITIGATION

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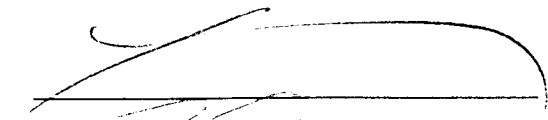
DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS

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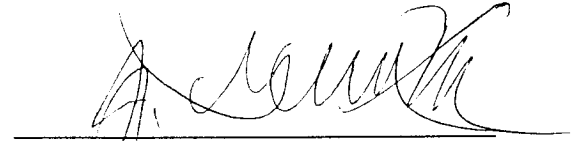
NELSON B. BEFITEL

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APPROVED AS TO FORM

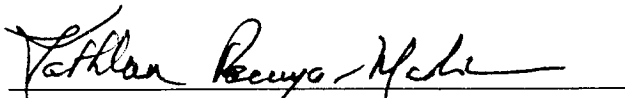

LARRY M. KAZANJIAN
Attorney for Respondent

APPROVED AS TO FORM


J. GERARD LAM
Deputy Attorney General
Attorney for Complainant

APPROVED AND SO ORDERED
BY HAWAII LABOR RELATIONS
BOARD:

ORDER NO. 42


BRIAN NAKAMURA, Chairman
CHESTER KUNITAKE, Member
KATHLEEN RACUYA-MARKRICH, Member

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